

REMARKS**I. General**

Claims 1-48 are pending, and all are rejected by the current Office Action, mailed July 27, 2004. No claims are amended by this response. The issues in the Office Action are as follows:

- Claims 10, 11, 16, 19-23, 33, 18, and 35-38 are rejected under 35 U.S.C. §112, Second Paragraph.
- Claims 17 and 34 are rejected under 35 U.S.C. §102 as being anticipated by PCT Printed Application WO 99/31811 (hereinafter, *Knutson*).
- Claims 1-4, 10-16, 46, and 48 are rejected under 35 U.S.C. §103 as being obvious over PCT Printed Application WO 99/34541 (hereinafter, *Beveridge*) in view of *Knutson*.
- Claim 5 is rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 5,920,233 (hereinafter, *Denny*).
- Claims 6-9 are rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 5,847,612 (hereinafter, *Birleson*).
- Claim 47 is rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 6,272,209 (hereinafter, *Bridger*).
- Claims 17-19, 21-26, 32-36, and 38-40 are rejected under 35 U.S.C. §103 as being obvious over U.S. Patent no. 6,546,016 (hereinafter, *Gerszberg*) in view of *Knutson*.
- Claims 20 and 37 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Bridger*.

- Claims 27 and 41 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Denny*.
- Claims 28-31 and 42-45 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Birleson*.

Applicant respectfully requests withdrawal of the rejections in light of the arguments herein.

II. Claim Rejections Under 35 U.S.C. §112

On pages 2-3 of the Office Action, claims 10, 11, 16, 19-23, 33, 18, and 35-38 are rejected under 35 U.S.C. §112, Second Paragraph for failure to particularly point out and distinctly claim the subject matter regarded as the invention.

Claims 10 and 22 are rejected for reciting that TDM is TDMA. In Response to Arguments, on page 17 of the Office Action, the Examiner states, “TDMA is a through-the-air protocol used with cellular telephones and it is not known in the art or described in the Applicants specification as to how TDMA can be used in a wired environment, therefore the claim is unclear and indefinite.” Applicant respectfully disagrees. Applicant points to the article, Speeding Up Cable Pipes with Advanced TDMA, by Bruce Currivan, et. al. from commsdesign.com, included as a hardcopy attachment to this response. On page 1, the article recites, “The article discusses the physical layer (PHY) enhancements developed to increase the effectiveness of transmission in the upstream or return path direction, in which cable modems send data in time-division multiple access (TDMA) mode to the cable modem termination system (CMTS) at the headend.” The recited passage teaches use of TDMA in a wired environment (a cable system), and therefore, Applicant asserts that such a use is well-known in the art. Accordingly, Applicant asserts that the phrase, “wherein said TDM is time division multiple access (TDMA),” as recited by claims 10 and 22 meets the threshold requirements of clarity and precision, as set forth in 35 U.S.C. §112, Second Paragraph and M.P.E.P. §2173.02.

Applicant asserts that if the Examiner believes that any of the various claimed embodiments are inoperative, such concerns are properly addressed un 35 U.S.C. §101. See M.P.E.P. §2107.01(II). The initial burden is on the Office to make a prima facie case of lack

of utility under 35 U.S.C. §101, and to do so, the Office must provide a sufficient evidentiary basis for factual assumptions relied upon in establishing that showing. M.P.E.P. §2107 and 2107.02(IV). To provide the sufficient evidentiary basis, the Office must provide a) an explanation that clearly sets forth the reasoning used in concluding that the asserted utility for the claimed invention is not credible or not both specific and substantial nor well established, b) support for factual findings relied upon in reaching this conclusion, and c) an evaluation of all relevant evidence of record, including utilities taught in the closest prior art. M.P.E.P. §2107. Simply asserting that TDMA and CDMA are wireless protocols and that “it is confusing how and why such signals would be received by a ‘cable input’” (as in the present rejection) is not a sufficient evidentiary basis for such a rejection because it provides no evidence or support for factual findings. Thus, Applicant asserts that not only are claims 10 and 22 sufficiently clear, but that the Office has not met its burden to show that the embodiments claimed thereby are inoperative.

Claims 11 and 23 are rejected for use of the phrase, “wherein said TDM RF signal is further multiplexed with code division multiple access (CDMA).” It appears that this rejection has been accidentally copied from the previous Office Action. Applicant amended those claims in the previous response to recite, “wherein said TDM RF signal is further multiplexed using code division multiple access (CDMA).” Applicant asserts that the current claim language is clear. Further, on page 17, the Examiner states, “A TDM RF signal is already multiplexed (i.e., Time Division Multiplexed), thus, it is unclear how CDMA is used to again multiplex the TDM signal.” Applicant asserts that using both TDMA and CDMA to multiplex a signal is known in the art. Applicant points to Time Division Multiple Access (TDMA), by Peter Jung and attached hereto as a hardcopy. See especially section 5 and Figures 6 and 7 of the Jung article that explain one way to implement a system that employs both TDMA and CDMA. Thus, such systems are known in the art, and it should be clear, at least in light of the Jung article, how CDMA may be used to further multiplex a TDMA signal.

Still further, the Examiner asserts that CDMA is a wireless protocol that cannot be received by a cable input. Applicant disagrees and points to Sanders Latest PCS-Over-Cable Equipment Receives FCC Type Acceptance and UL Listing, from Sanders News Releases and attached hereto. The article briefly describes a system wherein PCS CDMA signals from handsets are received by a microcell that transmits the CDMA signal over a cable plant and

eventually to a CDMA base station that connects to a wireless network. The article clearly shows that it is known in the art to employ CDMA in a wired environment, contrary to the Examiner's assertion. Therefore, Applicant respectfully submits that claims 11 and 23 are definite, and therefore, requests removal of the 35 U.S.C. §112 rejection of those claims.

Once again, applicant asserts that if the Examiner believes that any of the various claimed embodiments are inoperative, such concerns are properly addressed under 35 U.S.C. §101. See M.P.E.P. §2107.01(II). The initial burden is on the Office to make a prima facie case of lack of utility under 35 U.S.C. §101, and to do so, the Office must provide a sufficient evidentiary basis for factual assumptions relied upon in establishing that showing. M.P.E.P. §2107 and 2107.02(IV). To provide the sufficient evidentiary basis, the Office must provide a) an explanation that clearly sets forth the reasoning used in concluding that the asserted utility for the claimed invention is not credible or not both specific and substantial nor well established, b) support for factual findings relied upon in reaching this conclusion, and c) an evaluation of all relevant evidence of record, including utilities taught in the closest prior art. M.P.E.P. §2107. Simply asserting that TDMA and CDMA are wireless protocols and that "it is confusing how and why such signals would be received by a 'cable input'" or to assert that "A TDM RF signal is already multiplexed (i.e., Time Division Multiplexed), thus, it is unclear how CDMA is used to again multiplex the TDM signal" (as in the present rejection) is not a sufficient evidentiary basis for such a rejection because it provides no evidence or support for factual findings. Thus, Applicant asserts that not only are claims 11 and 23 sufficiently clear, but that the Office has not met its burden to show that the embodiments claimed thereby are inoperative.

Claims 16 and 33 are rejected for indefiniteness. The Examiner states, "Claims 16 and 33 recite that the demodulator uses a first and second modulation type." The rejection appears to be accidentally copied from the last Office Action, and Applicant notes that claims 16 and 33 were amended in the previous response to eliminate use of the term "uses." Applicant points to the current wording of the claims which recite, in part, "demodulating according to a first modulation type," and "demodulating according to a second modulation type." Applicant asserts that the current claim language is clear. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 16 and 33.

Claims 18 and 35 are rejected for use of the phrase, “wherein said TDM RF signal is received during a loss of power from an external source.” The Office Action states that it is unclear how the signal can be received if there is no power going to the receiver. In Response to Arguments, the Examiner states, “The specification does not describe any other power source except the external for local power, thus when that power is lost, and the TDM signal is received it is unclear how this TDM signal is received since there is no power powering the tuner.” Contrary to the Examiner’s assertion, the specification does mention another power source. See the passage at page 12, lines 25-7, of the present specification, which describes that when power is interrupted at the subscriber’s premises, the NIU may draw power from storage batteries in the cable plant. On page 3 of the specification, “external power” is defined as power received from a source other than through the cable input to the NIU. Thus, the arrangement described in the page 12 passage above is power other than from an external source that may be used when external power is interrupted. Accordingly, Applicant asserts that the language of claims 18 and 35 is clear, particularly when read in light of the above-recited passage from the specification. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 18 and 35.

Claims 19-21 and 36-38 are rejected solely for depending on claims 18 and 35, respectively. As shown above, claims 18 and 35 are definite, and Applicant respectfully submits that claims 19-21 and 36-38 are also definite, at least for those reasons. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 19-21 and 36-38.

III. Claims Rejections Under 35 U.S.C. §102

On pages 3-4 of the Office Action, claims 17 and 34 are rejected under 35 U.S.C. §102(a) as being anticipated by *Knutson*.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Claim 17 recites, in part, “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “pulsing off said tuner for substantially the remainder of time in each of said frames.” *Knutson* does not teach, at least, the above-quoted features of claim 17 because it does not teach a fast acquisition time tuner. In Response to Arguments, the Examiner asserts that the system of *Knutson* teaches acquisition time because it teaches that the handsets power on during on their respective time slots. Applicant disagrees and points to the passage at page 8, line 19, of the present specification that defines “acquisition time” as “time to lock on to the desired frequency.” Accordingly, time slots are not the same as acquisition time. *Knutson* does not teach how long it takes to lock on to the desired frequency during its time slot. Therefore, one of skill in the art may assume that a slow acquisition time tuner is adequate for the *Knutson* application. Thus, *Knutson* does not teach a fast acquisition time tuner, as recited by claim 17. Applicant respectfully asserts that claim 17 is patentable over *Knutson*, and respectfully requests removal of the 35 U.S.C. §102(a) rejection of claim 17.

Claim 34 recites, in part, “means for pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “means for pulsing off said tuner for substantially the remainder of time in each of said frames.” *Knutson* does not teach, at least, the above-quoted features of claim 34 because it does not teach a fast acquisition time tuner. In Response to Arguments, the Examiner asserts that the system of *Knutson* teaches acquisition time because it teaches that the handsets power on during on their respective time slots. Applicant disagrees and points to the passage at page 8, line 19, of the present specification that defines “acquisition time” as “time to lock on to the desired frequency.” Accordingly, time slots are not the same as acquisition time. *Knutson* does not teach how long it takes to lock on to the desired frequency during its on time. Therefore, one of skill in the art may assume that a slow acquisition time tuner is adequate for the *Knutson* application. Thus, *Knutson* does not teach the above-quoted feature of claim 34. Accordingly, Applicant respectfully asserts that claim 34 is patentable over *Knutson*, and respectfully requests removal of the 35 U.S.C. §102(a) rejection of claim 34.

IV. Claims Rejections Under 35 U.S.C. §103

A. Rejections over Beveridge in view of Knutson

On page 5 of the Office Action, Claims 1-4, 10-16, 46, and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Beveridge* in view of *Knutson*. Claims 15 and 16 are canceled.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicant respectfully asserts that the rejection does not satisfy all three requirements, as discussed further below.

Claim 1 recites, in part, “wherein said tuner has an acquisition time of less than half of said frame period.” The combination of *Beveridge* and *Knutson* does not teach or suggest, at least, the above-quoted feature of claim 1. *Knutson* teaches a wireless telephone system, but does not teach or suggest the above-quoted feature of claim 1, at least, because *Knutson* does not disclose an acquisition time. In Response to Arguments, the Examiner asserts that audio packet time slots in the Abstract of *Knutson* teach the above recited feature of claim 1. Applicant disagrees and points to the passage from the present specification at page 8, line 19 that defines “acquisition time” as “time to lock on to the desired frequency.” The time slots of *Knutson* are simply times defined by a protocol when a device is allowed to send or receive data, and those times are independent of the acquisition times of tuners. *See* page 1, lines 23-26 of *Knutson*, which describe that a slot is part of a cycle (epoch) and that handsets transmit or receive data during their respective slots. *Knutson* does not discuss the problem of utilizing tuners with appropriate times to lock on to desired frequencies, and accordingly, does not mention or teach an acquisition time. The Office Action acknowledges at page 4 that *Beveridge* does not teach or suggest the above-quoted feature of claim 1. Therefore, the combination of *Knutson* and *Beveridge* does not teach or suggest every claim limitation of claim 1. Because a combination of *Knutson* and *Beveridge* fails to teach or suggest all limitations of claim 1, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 1.

Claim 46 recites, in part, “processing said CW RF signal with an RF tuner,” and “receiving a TDM RF telephony signal in place of said CW RF signal.” In Response to Arguments, on pages 19-20, the Examiner argues that *Beveridge* discloses receiving a signal in place of the cable signal because it teaches switching to receive power from a cable input when there is an AC power loss. The Examiner then argues that *Knutson* teaches receiving TDMA signals and that a combination of the two references teaches the above-recited feature. Applicant disagrees and points to the Examiner’s argument itself. According to the Examiner, *Beveridge* teaches switching power supplies, not signals. Accordingly, to combine the two references as suggested by the argument would either produce: 1) a system that uses TDMA signals as power, and would, therefore, be inoperable, or 2) a system that inputs power directly to the data inputs of a cable tuner, which would burn out the tuner and be inoperable. Both combinations are clearly undesirable. Because the combination has no reasonable likelihood of success, the rejection must fail. Further, because neither reference teaches receiving one signal in place of another, the combination does not teach the features, “processing said CW RF signal with an RF tuner,” and “receiving a TDM RF telephony signal in place of said CW RF signal,” as recited by claim 46.

Once again, Applicant reiterates that *Beveridge* does not teach or suggest the above-quoted feature of claim 46, at least, because *Beveridge* focuses on AC and DC power supply issues and does not teach or suggest the desirability of either a TDM RF signal or a CW RF signal. On page 8 of the Office Action, the Examiner acknowledges that *Beveridge* does not teach or suggest the feature. The Office Action points to *Knutson* as teaching the feature because *Knutson* teaches a system utilizing TDMA protocol. Even if the Examiner’s allegation that *Knutson* teaches using TDMA protocol is true, that teaching added to the teaching of *Beveridge* does not teach or suggest “processing said CW RF signal with an RF tuner,” and “receiving a TDM RF telephony signal *in place of* said CW RF signal,” (emphasis added) as claim 46 recites. Neither reference teaches or suggests receiving one signal in place of another, much less a TDM RF telephony signal in place of a CW RF signal. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claimed limitations of claim 46. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 46. Because a combination of *Knutson* and *Beveridge* fails to teach or suggest all limitations of claim 46 and because there is no reasonable likelihood of

success of the combination, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 46.

Dependent claims 2-4, 10-16, and 48 each depend either directly or indirectly from respective independent claims 1 and 46 and, thus, inherit all of the limitations of those respective independent claims. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claims 2-4, 10-16, and 48. Further, the combination of *Knutson* and *Beveridge* is improper. It is respectfully submitted that dependent claims 2-4, 10-16, and 48 are allowable at least because of their dependence from claim 1 and 46 for the reasons discussed above.

B. Rejections over Beveridge in view of Knutson in further view of Denny

On pages 9-10 of the Office Action, claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Denny*. Dependent claim 5 depends directly from independent claim 1 and, thus, inherits all of the limitations of claim 1, as amended. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claim 5. *Denny* does not teach or suggest the features of claim 1 that are missing from *Knutson* and *Beveridge*, nor is it alleged that *Denny* teaches or suggests the feature. It is respectfully submitted that dependent claim 5 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Further, as argued above, there is a lack of reasonable expectation of success in the cited combination of *Knutson* and *Beveridge*. *Denny* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Denny* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 5.

C. Rejections over Beveridge in view of Knutson in further view of Birleson

On page 10 of the Office Action, claims 6-9 are rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Birleson*. Dependent claims 6-9 depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of claim 1. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claims 6-9. *Birleson* is not asserted by the Examiner to teach or suggest the features of claim 1 that are missing from *Knutson* and *Beveridge*. It is respectfully submitted that dependent claims 6-9 are allowable at least because of their

dependence from claim 1 for the reasons discussed above. Further, as argued above, there is a lack of reasonable expectation of success to combine *Knutson* and *Beveridge*. *Birleson* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Birleson* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 6-9.

D. Rejections over Beveridge in view of Knutson in further view of Bridger

On page 11 of the Office Action, claim 47 is rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Bridger*. Dependent claim 47 depends directly from independent claim 46 and, thus, inherits all of the limitations of claim 46. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claim 47. *Bridger* does not teach or suggest the features of claim 46 that are missing from *Knutson* and *Beveridge*, nor is it alleged that *Bridger* teaches the features. It is respectfully submitted that dependent claim 47 is allowable at least because of its dependence from claim 46 for the reasons discussed above. Further, as argued above, there is a lack of a reasonable expectation of success to combine *Knutson* and *Beveridge*. *Bridger* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Bridger* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 47.

E. Rejections over Gerszberg in view of Knutson

On pages 12-13 of the Office Action, claims 17-19, 21-26, 32-36, and 38-40 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson*.

Claim 17 recites, in part, “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “pulsing off said tuner for substantially the remainder of time in each of said frames.” The combination of *Gerszberg* and *Knutson* does not teach or suggest, at least, the above-quoted features of claim 17 because it does not teach a fast acquisition time tuner. In Response to Arguments, the Examiner asserts that the NIU awakening in *Gerszberg* teaches the above recited feature of claim 1. Applicant disagrees and points to the passage at page 8, line 19, of the present specification that defines “acquisition time” as “time to lock on to the desired frequency.” While Col. 32, lines 18-54 of *Gerszberg* teaches an NIU that has a duty cycle of 50% while it waits for a component to

address it, *Gerszberg* does not address the issue of acquisition time, and thus does not teach a fast acquisition time tuner. For instance, *Gerszberg* does not teach what acquisition time is needed in order to receive the data during the “on” periods of its cycle. Accordingly, one of skill in the art may assume that a slow acquisition time tuner is adequate for the *Gerszberg* application. Therefore, *Gerszberg* does not teach a fast acquisition time tuner, as recited by claim 17. The Office Action uses hindsight to create a system out of the words in claim 17. *Knutson* also does not teach or suggest a fast acquisition time tuner, because it fails to address acquisition time at all. Thus, the combination of *Gerszberg* and *Knutson* does not teach or suggest all limitations of claim 17. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 17.

Claim 34 recites, in part, “means for pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” “means for pulsing off said tuner for substantially the remainder of time in each of said frames.” Applicants respectfully submit that the combination of *Gerszberg* and *Knutson* does not teach or suggest, at least, the above-quoted feature of claim 34. As explained above with regard to claim 17, *Gerszberg* fails to teach or suggest, “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and, “pulsing off said tuner for substantially the remainder of time in each of said frames,” because it does not teach a fast acquisition time tuner. Similarly, as explained above with regard to claim 17, *Knutson* also fails to teach or suggest that feature. Accordingly, the combination of *Gerszberg* and *Knutson* fails to teach or suggest “means for pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” “means for pulsing off said tuner for substantially the remainder of time in each of said frames.” Therefore, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 17.

Dependent claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40 each depend either directly or indirectly from respective independent claims 17 and 34 and, thus, inherit all of the limitations of those respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40. It is respectfully submitted that dependent claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above.

F. Rejections over Gerszberg in view of Knutson in further view of Bridger

On pages 15-16 of the Office Action, claims 20 and 37 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Bridger*. Dependent claims 20 and 37 depend from respective independent claims 17 and 34 and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 20 and 37. *Bridger* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Bridger* teaches or suggests the feature. It is respectfully submitted that dependent claims 20 and 37 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 20 and 37.

G. Rejections over Gerszberg in view of Knutson in further view of Denny

On pages 16-17 of the Office Action, claims 27 and 41 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Denny*. Dependent claims 27 and 41 depend from respective independent claims 17 and 34 and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 27 and 41. *Denny* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Denny* teaches or suggests the feature. It is respectfully submitted that dependent claims 27 and 41 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 27 and 41.

H. Rejections over Gerszberg in view of Knutson in further view of Birleson

On page 17 of the Office Action, claims 28-31 and 42-45 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Birleson*. Dependent claims 28-31 and 42-45 depend from respective independent claims 17 and 34, and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 28-31 and 42-45. *Birleson* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Birleson* teaches or

suggests the feature. It is respectfully submitted that dependent claims 28-31 and 42-45 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 28-31 and 42-45.

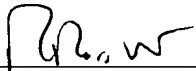
V. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P020US/09905259 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By 

R. Ross Viguet

Registration No.: 42,203

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8185

(214) 855-8200 (Fax)

Attorney for Applicant

Attachments: Bruce Currivan, et al., Speeding Up Cable Pipes with Advanced TDMA, CommsDesign, (December 3, 2001), at http://www.commsdesign.com/design_corner/showArticle.jhtml?articleID=16503718.

Peter Jung, Time Division Multiple Access (TDMA), University of Duisberg, (July 22, 2003), at <http://whitepapers.zdnet.co.uk/0,39025945,60092786p-39000621q,00.htm>.

Sanders Latest PCS-Over-Cable Equipment Receives FCC Type Acceptance and UL Listing, Sanders News Releases, (1998), at http://www.iewe.na.baesystems.com/business/98_news/pcscable.htm.